# SHARANDA JONES

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### Its Time

#### What does a topic really mean? What does it mean for the NSDA to say we should talk about jury nullification? The topic being changed every 2 months represents that we all have to do different research, look to different understandings of the topic, and actually see what people this topic affects. After doing some research with my teammates and coaches, I think we have found what the heart of this topic gets to. This is the story of Sharanda Jones.

### Sharanda

#### Sari Horwtiz narrates her story. You can flow however you want, but if you think something is important, then please flow it.

[Sari **Horwitz**](http://www.washingtonpost.com/people/sari-horwitz) *FROM A FIRST ARREST TO A LIFE SENTENCE* <http://www.washingtonpost.com/sf/national/2015/07/15/from-a-first-arrest-to-a-life-sentence/> July 15, 20**15**

**Sharanda Jones** — prisoner 33177-077 — **struggled to describe the moment in 1999 when a federal judge sentenced her to life in prison after her conviction on a single cocaine offense. She was a first-time, nonviolent offender.**  “I was numb,” Jones sai**d** in an interview at the Carswell women’s prison here**. “I was thinking about my baby. I thought it can’t be**real**life in prison.” Jones**, who will turn 48 next week, **is one of** tens of **thousands of inmates who received harsh mandatory minimum sentences for drug offenses during the crack-cocaine epidemic**, and whose cases are drawing new attention. President Obama is visiting a federal prison in Oklahoma Thursday to promote his plan[to overhaul the criminal justice system](https://www.washingtonpost.com/world/national-security/us-clemency-effort-slow-to-start-will-rely-on-an-army-of-pro-bono-lawyers/2015/02/28/2ba8c6bc-bc42-11e4-8668-4e7ba8439ca6_story.html), saying Wednesday, “this huge spike in incarcerations is also driven by nonviolent drug offenses where the sentencing is completely out of proportion with the crime.” **Because of her role as a middle woman between a cocaine buyer and supplier, Jones was accused of being part of a “drug conspiracy” and should have known that the powder would be converted to crack — triggering a greater penalty. Her sentence was then made even more severe with a punishment tool introduced at the height of the drug war that allowed judges in certain cases to “enhance” sentences — or make them longer.** Jones was hit with a barrage of “enhancements.” **Her license for a concealed weapon amounted to carrying a gun “in furtherance of a drug conspiracy.” Enhancement. When she was convicted on one count of seven, prosecutors said her testimony in her defense had been false and therefore an “obstruction of justice.” Enhancement. Although she was neither the supplier nor the buyer, prosecutors described her as a leader in a drug ring. Enhancement.** By the end, Jones’s sentencing had so many that the federal judge had only one punishment option. **With no possibility of parole in the federal system, she was, in effect, sentenced to die in prison.** Jones almost certainly would not receive such a sentence today**.** Federal sentencing guidelines in similar drug cases have changed, in particular to end disparities in how the courts treat crack cocaine vs. powder cocaine. And, following a 2005 Supreme Court decision, judges have much greater discretion when they mete out punishment. In the past decade, they gave lower sentences by an average of one-third the guideline range, according to the U.S. Sentencing Commission. **But a lingering legacy of the crack epidemic are inmates such as Jones. About 100,000 federal inmates** — or nearly half — **are serving time for drug offenses,** among them thousands of nonviolent offenders sentenced to life without the possibility of parole, according to the American Civil Liberties Union. Most are poor, and four in five are African American or Hispanic. In the spring of 2014, then-Attorney General Eric H. Holder Jr. — who had called mandatory minimum sentences “draconian” — started an initiative to grant clemency to certain nonviolent drug offenders in federal prison. They had to have served at least 10 years of their sentence, have no significant criminal history, and no connection to gangs, cartels or organized crime. They must have demonstrated good conduct in prison. And they also must be inmates who probably would have received a “substantially lower sentence” if convicted of the same offense today.[Jones applied](https://www.change.org/p/president-barack-obama-sharanda-jones-does-not-deserve-to-die-in-prison). It has been a halting process, however. Only 89 prisoners of the more than 35,000 who have filed applications have been freed. They include 46 inmates who were granted clemency on Monday by Obama. Jones wasn’t among them. **Her case began in November** 19**97** when the Kaufman County Sheriff’s Department conducted a large drug sweep in the city of Terrell, about 30 miles east of Dallas, netting more than 100 people, all of them black. Among those arrested was Julie Franklin and her husband, Keith “Baby Jack” Jackson, who agreed to plead guilty and cooperate with the government for a reduced sentence. They told investigators that over several years, they bought about 30 kilograms of powder cocaine, each for about $18,000, from Jones, who they said had purchased the cocaine from a drug dealer in Houston. **Two years later, Jones and several others were indicted by a federal grand jury. Jones was charged with six counts of possession with intent to distribute crack cocaine and aiding and abetting, and one count of conspiracy to distribute crack cocaine. Jones had grown up poor, raised by her grandmother after her mother was left quadriplegic by a car crash.** But Jones, who started working when she was 14, had an entrepreneurial streak, opening her own hair salon and a burger joint before starting a Southern-style restaurant in Dallas with a woman from Terrell who was a Dallas police officer. A friend told Jones she could earn thousands more if she “got into the game.”“It was fast money,” she says now. “Biggest mistake I ever made.”During a six-day trial in Dallas in August 1999, Franklin and Jackson — the cooperating couple arrested in Terrell — testified that they drove with Jones several times from Dallas to Houston where they would give Jones money and she would buy powder cocaine for them from her drug supplier. Joseph Antoine III, who also cooperated with the government in exchange for a lower sentence, testified that he was the person in Houston who sold kilograms of cocaine to Jones. Assistant U.S. Attorney William C. McMurrey argued to the jury that Jones was involved in selling crack in Terrell, along with her brother, sister and mother. Investigators pressed Jones to implicate her business partner, the Dallas police officer, saying it could help reduce her sentence. The officer testified and said she was not involved. And Jones also said the officer had nothing to do with drugs. The officer, who is still with the department, declined to be interviewed. McMurrey said Jones also turned down a plea deal, but Jones and her current attorney said there was never a formal offer that specified how much time she would serve. On Aug. 26, 1999 — after days of testimony about drug deals by people nicknamed “Weasel,” “Spider,” “Baby Jack” and “Kilo,” and a dramatic moment when Jones’s quadriplegic mother was wheeled into the courtroom — the jury acquitted Jones of all six charges of possession with intent to distribute crack cocaine and aiding and abetting. But they found her guilty of one count of conspiracy to distribute crack cocaine. Although no drugs were ever found, U.S. District Judge Jorge Solis determined that Jones was responsible for the distribution of 30 kilograms of cocaine. He arrived at that number based on the testimony of the co-conspirators — the couple who received sentences of seven and eight years, and the Houston dealer, who got 19 1/2years. All have since been released. The judge determined that Jones knew or should have known that the powder was going to be “rocked up” — or converted to crack. **Using a government formula, the prosecutor said that the 30 kilograms of powder was equal to 13.39 kilograms of crack cocaine**. He then added 10.528 kilograms of crack cocaine that the prosecutors said had been distributed in Terrell and was linked to Jones’s brother. (The U.S. Court of Appeals for the 5th Circuit affirmed the conviction, but said there was “barely” any evidence of Jones’s connection to the crack distributed in Terrell.) **The judge’s calculation** made Jones accountable for 23.92 kilograms of crack. That, **added to the gun and obstruction enhancements, as well as Jones’s role as an “organizer,” sealed her sentence under federal rules that assign numbers to offenses and enhancements.** The final number — 46 — dictated the sentence, leaving the judge no discretion. “Under the guidelines, that sets a life sentence, mandatory life sentence,” Solis said at a hearing in November 1999. “So, Ms. Jones, it will be the judgment of the court that you be sentenced to the custody of the U.S. Bureau of Prisons for a term of life imprisonment.” Solis declined to be interviewed. Said McMurrey: “In light of the law and the guidelines and what the court heard during the trial, I know Judge Solis followed the law. He’s a very fair man.” Ronald Weich, who was a special counsel to the U.S. Sentencing Commission during the late 1980s, said that mandatory minimum sentences and their enhancements were all about math, not about people. “These laws forced judges to look at their calculators instead of into the eyes of the defendants they were sentencing,” said Weich, now the dean of the University of Baltimore School of Law. “They weren’t allowed to ask, ‘How did they get to this point in their lives?’ and ‘Who were they going to be in five or 20 years?’ ” The sentencing scheme that sent Jones to prison has been widely denounced by lawmakers from both political parties. And sentences have been greatly reduced for drug offenses. But the differing approaches over time have led to striking disparities. One illustration: The Justice Department announced last month that one of Colombia’s most notorious drug traffickers and a senior paramilitary leader will serve about 15 years in prison for leading an international drug trafficking conspiracy that imported more than 100,000 kilograms of cocaine into the United States. **The jurors who found Jones guilty were never told about the life sentence, which came months after the trial.** **Several of them, when contacted by The Washington Post, were dismayed.** “Life in prison? My God, that is too harsh,” said James J. Siwinski, a retired worker for a glass company. “That is too severe. There’s people killing people and getting less time than that. She wasn’t an angel. But enough is enough already.” Bittany K. Byrd was in her second year of law school at Southern Methodist University in Dallas in 2009 when she heard about Jones. She was taking Critical Race Theory, a seminar class that analyzed the intersection of race and the law. For her final paper, Byrd wanted to write about the disparity between crack-cocaine and powder-cocaine sentences and the disparate effect on African Americans and Hispanics, but she needed real cases to humanize her argument. During her research, Byrd found that Jones’s mother was later sentenced to 17 years in a separate trial for her role in drug dealing in Terrell. The quadriplegic woman died after 12 years behind bars, and Jones was not allowed to attend her funeral. “I wanted to show the class and my professor a human face behind the numbers and show the sacrifice of human capital for the war on drugs,” Byrd said. After she turned in her paper, Byrd couldn’t stop thinking about Jones. “Her case did not allow me to sleep,” she said. “It just tugged at my soul.” She sent a card to Jones in prison, telling her that she was a law student and she wanted to try to help. “She wrote me back and it was really a generic type of letter,” Byrd said. “It was more like, ‘Been there, heard that before and no one’s really helped me.’ ” Jones had been a model inmate, taking dozens of classes and mentoring other prisoners, but no amount of good behavior would get her out. The only option was clemency from the president. By November 2013, Byrd was at a private law firm in Dallas and also running [an organization for inmates and their daughters.](http://www.girlsembracingmothers.org/) Working pro bono, she filed a clemency petition for Jones with the Justice Department’s Office of the Pardon Attorney and the White House counsel and included a petition signed by thousands, letters of support from local churches and a job offer for Jones. **“**There is no doubt that Sharanda’s crime harmed society,” Byrd wrote in a 200-page petition. “However, there is also no doubt that she has been hurt back and paid her debt to society by serving the past 14 years of her life in prison as a first-time nonviolent offender and being away from her one and only child.”Byrd received no response, but more than a year later the Obama administration began its clemency initiative. Jones appeared to meet the criteria.“I got really excited,” Byrd said. She filed a supplemental petition to her original application that included a letter from Jones to Obama. **“I began dealing drugs out of desperation to be able to sufficiently support myself and my family,” Jones wrote.** “I now understand to the fullest level the destruction caused by drugs. I take full responsibility for my actions and know that I deserve to be punished . . . but for the rest of my life for my first ever arrest and conviction? . . . **My deepest sorrow is being separated from my only child, Clenesha.** Byrd heard nothing for months. In late March, she received a phone call from the pardon attorney’s office. Obama had granted clemency to 22 inmates, including another of Byrd’s clients, a young man who had served 22 years for a nonviolent drug offense. She was ecstatic to call the prison and tell him.But she had one question.“What about Sharanda Jones?” she asked. The official on the other end of the line said she didn’t know anything about Jones. “It was a bittersweet day,” Byrd recalled. “I was elated. But I just kept thinking about Sharanda and how she would feel when she saw her name wasn’t on that list.”Nor did it appear on the new list released Monday by Obama. side Carswell’s visiting room one recent afternoon, Jones opened the tattered blue Bible she brought in with her 16 years ago and turned to her daughter, Clenesha Garland. She gently pushed a strand of hair off her daughter’s forehead. They read the Bible together when Garland visits every couple of weeks. They talk on the phone every day.This sterile space — a room of 64 mauve-colored chairs, a few vending machines, a miniature table, chairs for toddlers and a big clock on the wall — has been the weekly aperture through which Jones has seen her daughter grow. Garland **was 8 when her mother was imprisoned.** She remembers being confused when her mother seemed to vanish. **“Is she dead?” she asked her father** after moving to his house. **“No, she’s in a place like a college,” he said. “We’ll go see her. But not for a while.” Garland was 18 before she realized that her mother had a life sentence. “My world as I knew it was shattered,”** she said in a recent interview. **When she graduated high school, Garland did not want to walk across the stage without her mother in the audience. She doesn’t like to travel outside of Texas, because she wants to remain close to the prison.** “I want you to live your life,” Jones said.“I can’t live my life when you’re still in here,” Garland replied. “I’m worried all the time about how they are treating you. I’ll start living when you get out.”Garland puts her hand on her mother’s shoulder and softly murmurs, “Mama.”Two years ago, [Garland wrote to Obama](http://apps.washingtonpost.com/g/documents/national/clenesha-garlands-2013-letter-to-president-obama-pleading-for-clemency-for-her-mother-sharanda-jones/1658/), pleading for her mother’s release. “Being without my mother for over 14 years of my life has been extremely difficult,” she wrote. “But the thought she is set to spend the rest of her life in prison as a first-time non-violent offender is absolutely devastating.”After an hour together, the guards told them their time was up. They hugged tightly for the permitted 30 seconds. **Garland walked past the razor wire to the front lobby where she gave her badge to a guard, as she had hundreds of times before**. She passed her hand under a light where an officer checked to make sure it had a security stamp. The drive back to Dallas took about 30 minutes. **She cried most of the way. Jones left the visiting room and entered a side room where a guard was waiting, as she does after every visit. She took off her tan prison uniform, her brown T-shirt, her bra and her underwear, and waited for the guard to search every part of her body. She showed no emotion. After 16 years, she has learned not to cry.**

### The roll of the judge

#### The roll of the judge is to take the position of a juror.

#### Now there are 3 reasons why you prefer our roll of the judge.

#### 1. The idea of being a judge is horrible and objective—judges have to divorce themselves from the reality of actual cases. They can decide how long someone goes to jail for, but things like enhancements and mandatory minimums forces them to send low level non-violent drug dealers to jail for years. Our roll of the judge allows the judge to subjectively determine if they were a juror, would they nullify.

#### 2. The resolution is a question of perceived injustice, which means the resolution asks a question of individual consciousness. Our argument is that since the resolution is about perceive injustice, if we show an injustice and the judge perceives it as being bad, that’s a reason they should nullify.

#### 3. Our roll of the judge literally should be their roll of the judge as well—the resolution is a question of if jury nullification is a good idea, the neg simply has to prove the juror should not nullify, i.e should not use jury nullification because it is a bad idea, if they show why jury null is bad then the judge, as a juror, should not nullify if they think the neg won disads.

#### 4. Prefer our roll of the judge because its just like role playing. If this was topic about plan v counterplan then the judge would take role of the agent of action in the resolution, or the policy maker. This topic is about individual consciousness, and the juror is the agent of action. Telling the judge to imagine if they were a juror is simply if you think nullification is a good idea, then a juror would nullify. If a juror thinks nullification is a bad idea, they wouldn’t nullify. They would vote neg,

#### AND, I defend the text of the resolution as a question of moral obligations. This is a stock aff, but the way I relate to jury nullification is not through 5 butler cards or 5 levit cards, but a narrative to humanize what jury nullification actually means.

#### 1. There is no such thing as object fiat—the aff cannot fiat what jurors will perceive the injustice, and how they will perceive the injustice, that is literally fiating someone’s desires. That’s a logical reason why the aff should only be forced to defend if the resolution is true, not fiat some a literal person.

### The roll of the ballot

#### The roll of the ballot is to purely vote on if jury nullification is a good idea. If you think it’s a good idea, vote aff. If you think it’s a bad idea, vote neg. I defend the entire resolution.

**NARRATIVES HUMANIZE WHAT WE TALK ABOUT. WHEN WE DON’T HUMANIZE OUR POLITICS- WE GET THINGS LIKE “COLLATERAL DAMAGE” AND USUALLY THAT DAMAGE HAPPENS TO BLACK AND BROWN BODIES. WE HAVE PRESENTED STATS AND FACTS IN OUR CASE, BUT TO ACTUALLY PERCIEVE THE INJUSTICE WE NEED TO PUT A FACE ON IT. THE ENTIRE TOPIC IS ABOUT PERCIEVED INJSUTICE, READING 10 CARDS ABOUT A BUNCH OF PEOPLE GETTING SCREWED BY THE CJS DOES NOT ALLOW US TO PERCIEVE ANYTING.**

Kelly **McDonald &** Jeffrey W. **Jarman:** (from the article “GETTING THE STORY RIGHT: THE ROLE OF NARRATIVE IN” ACADEMIC DEBATEKelly McDonald is the Director of Forensics at Western Washington University and is co-authoring a book on Debate Watch '**96**. Jeffrey Jarman teaches at the Elliott School of Commu- nication at Wichita State University. This paper was presented at the 1995 SCA Convention. <https://debate.uvm.edu/NFL/rostrumlib/cxmcdonald0198.pdf>)

First, **narratives** do **have an episte- mological function**. Too often critics of the narrative paradigm tend to overlook the benefits of narratives choosing to focus on the specific problems of application. It is important to keep in mind that **narratives** do **provide knowledge.** **A story has the power to convey information and humanize a situ- ation which might be unavailable in other formats.** For instance, **issues of racism and discrimination seem aptly suited to discus- sions via narratives. Statistics and facts seem less capable of describing racism than a story.** An example of this comes from Cornell West (1993) when he describes sev- eral instances of racism: This past September my wife, Elleni, and I made our biweekly trek to New York city from Princeton. I dropped my wife off for an appointment on 60th Street between Lexington and Park Avenues. I left my car--a rather elegant one--in a safe parking lot and stood on the corner of 60th Street and Park Avenue to catch a taxi. ... I waited and waited and waited. After the ninth taxi refused me, my blood began to boil. The tenth taxi refused me and stopped for a kind, well-dressed, smiling female citizen of European descent. As she stepped in the cab, she said, “This is really ridiculous, is it not?” Ugly racial memories of the past flashed through my mind. Years ago, while driving from New York to teach at Williams College, I was stopped on fake charges of trafficking cocaine. When I told the police officer I was a profes- sor of religion, he replied, “Yeh, and I’m the Flying Nun. Let’s go, nigger!” I was stopped three times in my first ten days in Princeton for driving too slowly on a residential street with a speed limit of twenty-five miles per hour. (And my son, Clifton, already has similar memories at the tender age of fifteen.) Needless to say, these incidents are dwarfed by those like Rodney King’s beating or the abuse of black targets of the FBI’s COINTELPRO efforts in the 1960s and 1970s. Yet the memories cut like a merciless knife at my soul as I waited on that godforsaken corner. Finally I decided to take the subway. I walked three long avenues, arrived late, and had to catch my moral breath...When I picked up Elleni, I told her of my hour spent on the corner, my tardy arrival, and the expertise and enthusiasm of the photographer and designer...As we rode back to Princeton...we talked about what race matters have meant to the American past and how much race matters in the in the American present.And I vowed to be more vigilant and virtuous in my efforts to meet the formidable challenges posed by Plato and Du Bois. For me, it is an urgent question of power and morality; for others, it is an everyday matter of life and death. **The point of the story is to illustrate the massive inequalities which are associ- ated with racism. Simply counting the num- ber of times racist behavior occurs does not do justice to the claim. Only through a story can the significance of the problem be un- derstood. In this way narratives serve an epistemological function.**

**NARRATIVES ARE PART OF AN ACADEMIC CONTEXT WE ARE NOT SYAING VOTE FOR ME CAUSE I READ THE AFF BUT RATHER VOTE FOR THE AFF BECAUSE THE NARRATIVE CONTEXTUALIZED THE ROLL FO THE JUDGE AND ROLL OF THE BALLOT AND WHAT IT MEANS TO NULLIFY WHENW E PERCIEVE INJUSTICE.**

Kelly **McDonald &** Jeffrey W. **Jarman:** (from the article “GETTING THE STORY RIGHT: THE ROLE OF NARRATIVE IN” ACADEMIC DEBATEKelly McDonald is the Director of Forensics at Western Washington University and is co-authoring a book on Debate Watch '**96**. Jeffrey Jarman teaches at the Elliott School of Commu- nication at Wichita State University. This paper was presented at the 1995 SCA Convention. <https://debate.uvm.edu/NFL/rostrumlib/cxmcdonald0198.pdf>)

Second, **narratives can function as evidence within the academic debate con- text** because they fulfill the criteria estab- lished by Winebrenner. **Narratives** do **meet the requirement of expertise.** **When estab- lishing claims of authority** two issues are involved: **either the author is knowledge- able on the subject (expert) or s/he has some experience which make their comments rel- evant.** **When individuals relate or retell ac- tual events from their life experience, they are accorded the later type of expert status.** Other stories are created by authors who have some level of education, expertise, or training in a given field and are accorded expert status of the former type. These sto- ries draw on the first type of authority. It is also possible for certain stories to utilize both levels of authority, as with Cornell West: he is a professor of cultural studies and a victim of racism. **Not only do stories fulfill the exper- tise requirement, they also meet the stan- dards of warranting claims** established by Winebrenner. His argument is that we should not accept arguments which are only conclusionary. Rather, a basis for the claim should be explicit in the evidence. He writes: “an authoritative inference involves expert opinion, but presents that opinion in a manner which reveals the thinking of the authority...Such testimony not only identi- fies the opinion a witness holds, it identi- fies the inference upon which that opinion has been based. Opinions which combine substance with deference create a stronger web of proof than do opinions which rely upon deference alone.” Stories clearly meet this criteria. **The development of the story functions as pieces of evidence in support of the claim. Each example within the story further supports the major claim. The plot functions to warrant the claim of the story. The plot ties together each of the small de- scriptions into an argument.** For example, in the Cornell West story, the refusal of a taxi to stop only for a black man functions as evidence of some racist act. In this man- ner, the necessary components of a story would fulfill Winebrenner’s requirement that evidence contain within itself warrants for the claims.

#### Now, the reason we specifically chose Sharanda’s narrative is because her story is connected to a larger story. SHARANDA JONES IS STILL IN JAIL. SHE IS STILL BEING IMPRISONED FOR HER LIFE FOR BEING TARGETED UNJUSTLY. We would like all the judges at the end of the round to take the time, whenever they can, and simply write a letter of support for her commutation so her case can receive attention from President Obama.

[http://**www.iamsharandajones.org**/help](http://www.iamsharandajones.org/help) writes:

**Sharanda's petition for commutation of sentence is on file with the United States Department of Justice** - Office of the Pardon Attorney.  A commutation is a reduction in the length of a sentence.  **To get a commutation a petition must be filed – it is an administrative proceeding, not a court proceeding.  Since Sharanda was convicted in a federal court, she must request commutation from President Barack Obama by filing her petition with the Office of the Pardon Attorney.  Once her petition is submitted to the Office of the Pardon Attorney, it will be reviewed, and the Pardon Attorney will write a recommendation that President Obama either grant or deny the request.**  That recommendation is forwarded to the Deputy Attorney General, who will review it and forward it to the White House, where President Obama and his attorneys will review it.  **President Obama makes the final decision whether to grant or deny a commutation.  To achieve this tremendous goal of obtaining a sentence commutation for Sharanda, we are asking that you write a letter of support for Sharanda to supplement her commutation petition package.  Your letter should be sent directly to the** **Office of the Pardon Attorney at 1425 New York Avenue, N.W., Suite 11000, Washington, D.C. 20530.  The more letters received – the more compelling Sharanda's petition.  Anyone wh o wants to write a letter should do so. It is our sincere hope that you support Sharanda's quest for freedom to ensure she does not spend the rest of her life in a federal prison as a first-time non-violent offender.**

## Frontlines

### AT Racist Nullification

Impact Turn- we’re not saying jury nullification is a good thing, we are saying jury nullification exposes the blatant racism and actually allows for revolutions and for us to understand why things are so bad

Its good on the level of stopping black people from going to prison but it’s also good because it makes black people understand they can never trust white people

The 1AR Impact Turn to Racist Jury Nullification

1.     Non-uniuqe. Start with the defense to prepare the judge to hear the offense.

2.     Racist jury nullification is only a symptom of larger racial hatred. People need to understand how deep that hatred runs. When people understand how blatantly racist the court systems are, social movements happen. Emit Till is the most famous case of racist jury nullification and it fired the American Civil Rights movement. The racist jury nullification that occurred in the cases of Trayvon and Eric Garner brought a greater understanding that Black Lives Matter. An important social movement was born. The racist jury nullification in Rodney King spurred the Los Angeles riots and the truce between Crips and Bloods. In all cases it forced the community to acknowledge and push back against the structural violence that is ever present. Even the worst cases of jury nullification make important social movement possible. What the neg presents as a disad is really a net benefit of unmasking and sparking resistance to ever-present structural racism. This is an independent reason to affirm.

This means

[http://www.**biography.com/**people/emmett-till-507515#emmett-till-murder](http://www.biography.com/people/emmett-till-507515#emmett-till-murder) writes

**Coming only one year after the Supreme Court's landmark decision in *Brown v. Board of Education* mandated the end of racial segregation in public schools, Emmett Till's death provided an important catalyst for the American Civil Rights Movement**. One hundred days after Till's murder, Rosa Parks refused to give up her seat on an Alabama city bus, sparking the yearlong Montgomery Bus Boycott. Nine years later, Congress passed the Civil Rights Act of 1964, outlawing many forms of racial discrimination and segregation. In 1965, the Voting Rights Act, outlawing discriminatory voting practices, was passed. [Emmett Till's murder was] one of the most brutal and inhuman crimes of the 20th century. — [Martin Luther King Jr.](http://www.biography.com/people/martin-luther-king-jr-9365086)

**Though she never stopped feeling the pain of her son's death, Mamie Till (who died of heart failure in 2003) also recognized that what happened to her son helped open Americans' eyes to the racial hatred plaguing the country, and in doing so helped spark a massive protest movement for racial equality and justice.** "People really didn't know that things this horrible could take place," Mamie Till said in an interview with Devery S. Anderson in December 1996. "And the fact that it happened to a child, that make all the difference in the world."

### AT You missed a subpoint

1 charge over 7 was enough to send her to jail to life

I subpoint is enough to ignore the thesis

Whole point of reading narrative is not about flowcentric, not drop everything, but when u vote on something that has nothgin to do with anything because eit is there procedurally, but not substantivlye has an impact,

### AT Decadence-

No link- decadence says win for speech, we don’t say that

No link- we have sociology in our aff, lots of facts, narratives just put a human face to it

### AT THEORY

Rules:

**Her sentence was then made even more severe with a punishment tool introduced at the height of the drug war that allowed judges in certain cases to “enhance” sentences — or make them longer.** Jones was hit with a barrage of “enhancements.” **Her license for a concealed weapon amounted to carrying a gun “in furtherance of a drug conspiracy.” Enhancement. When she was convicted on one count of seven, prosecutors said her testimony in her defense had been false and therefore an “obstruction of justice.” Enhancement. Although she was neither the supplier nor the buyer, prosecutors described her as a leader in a drug ring. Enhancement.**

YOUR USE OF THEORY IS AN ENHANCEMENT

“trying to fiat, reinforces our divorcement from our conversations, you talk about court clog, we have said we have seen something as an injustice, I have eprcieved and I am going to tell you that- the res doesn’t specifiy who is eprceving the injustice, I ep4cived it, I said you shoud nullify

### AT Judge intervention

Your still adjuscating the debate any way you would do it other ways, the same way jurors make a desciona nd deliberate is the same way judges deliberate

### AT NARRATIVES BAD

**1. Horrowitz 15**

**Bittany K. Byrd was in her second year of law school at Southern Methodist University** in Dallas in 2009 when she heard about Jones. **She was taking Critical Race Theory, a seminar class that analyzed the intersection of race and the law. For her final paper, Byrd wanted to write about the disparity between crack-cocaine and powder-cocaine sentences and the disparate effect on African Americans and Hispanics, but she needed real cases to humanize her argument.**

2. The story is used to magnify the use of the CJS, obviously we know so many people are affected by it, but its not enough to say 100,000 people in jail, all fo them have a different life, a different story, maybe a mother whos quadripeligic or a 8 year old daughter she is separted from. THAT’S WHY JURY NULLIFICATION MATTERS- because the juror has to recognize, look their guilty, BUT WHY DO THEY DESERVE JAIL. THEY HAVE A MOTHER, A DUAGHTE,R THEY SOLD DRUGS SINCE THEY WERE DESPERATE. WE ACTUALLY UNDERSTAND WITH NARRATIVES

You are attacking derrick bell, James Baldwin, Cornell West people who need narratives

3. You should prefer the impact of over real world education…in the juror box u have to think about ur perceived injustice versus your law… your more likely to be

4. Lastly, man if we’re commodifiying then u commodifying. When u say I reject cap.. you commodify people oppressed by cap to get a ballot. Commodfiication is Non unique

5. This DA to his neg is that when we don’t talk about it all we do is talk about stats and collateral damage, TURN your commodifying is a form of silence

6. Whole part of ROB is defense she wants story to be told

7. There Tuck and Yang evidence is terminally non-unique given the question of race and blackness. The slave is the terminal speaking commodity it is the link between value and non-value the commodification that the Tuck and Yang evidence warned against happened years ago.

Moten 2003 [Fred, Prof. English @ Duke, *In the Break: The Aesthetics of the Black Radical Tradition*, p. 16-7]

Leopoldina Fortunati puts it this way: “The conflicting presence of value and nonvalue contained within individuals themselves obviously creates a specific and unresolvable contradiction.”15 She is speaking of a certain dematerialization that marks the transition from precapitalist to capitalist production and that works analogously to a dematerializing operation animating the movement from slave labor to “free” labor. These transitions are both characterized by the commodity, [as] exchange value, taking precedence over the-individual- as-use-value, despite the fact that the individual is still the only source of the creation of value. For it is only by redefining the individual as non-value, or rather as pure use-value, that capital can succeed in creat- ing labor power as “a commodity,” i.e. an exchange value. But the “value- lessness” of free workers is not only a consequence of the new mode of production, it is also one of the preconditions, since capital cannot become a social relation other than in relation to the individuals who, divested of all value, are thus forced to sell the only commodity they have, their labor power. Secondly, under capitalism, reproduction is separated off from production; the former unity that existed between the production of use-values and the reproduction of individuals within precapitalist modes of pro- duction has disappeared, and now the general process of commodity production appears as being separated from, and even in direct opposi- tion to, the process of reproduction. While the first appears as the creation of value, the second, reproduction, appears as the creation of non-value. Commodity production is thus posited as the fundamental point of capitalist production, and the laws that govern it as the laws that charac- terize capitalism itself. Reproduction now becomes posited as “natural” production.16

Fortunati joins Marx in a minute but crucial declension from use- value to nonvalue. The individual, enslaved laborer is characterized as use-value that, in the field of capitalist production, is equivalent to no-value, which is to say operative outside of exchange. But if this theoretical placement of the enslaved laborer outside of the field of exchange positions her as noncommodity, it does so not by way of some rigorous accounting but rather as a function of not hearing, of overlooking. This is despite the inescapable fact of the traffic in slaves. And because neither Marx nor Fortunati is able fully to think the articulation of slave and commodity, they both underestimate the commodity’s powers, for instance, the power to speak and to break speech. And yet, Fortunati, in her analysis of reproduction and in her submission of Marxian cate- gories to the corrective of feminist theory, sees, along with and ahead of Marx, that the individual contains value and nonvalue, that the commodity is contained within the individual. This presence of the commodity within the individual is an effect of reproduction, a trace of maternity. Of equal importance is the containment of a certain personhood within the commodity that can be seen as the commodity’s animation by the material trace of the maternal—a palpable hit or touch, a bodily and visible phonographic inscription. In the end, what I’m interested in is precisely that transference, a carrying or crossing over, that takes place on the bridge of lost matter, lost maternity, lost mechanics that joins bondage and freedom, that interinanimates the body and its ephemeral if productive force, that interarticulates the performance and the reproductive reproduction it always already contains and which contains it. This interest is, in turn, not in the interest of a nostalgic and impossible suturing of wounded kinship but is rather directed toward what this irrepressibly inscriptive, reproductive, and resistant material objecthood does for and might still do to the exclusionary brotherhoods of criticism and black radicalism as experimental black performance. This is to say that this book is an attempt to describe the material reproductivity of black performance and to claim for this reproductivity the status of an ontological condition. This is the story of how apparent nonvalue functions as a creator of value; it is also the story of how value animates what appears as nonvalue. This function- ing and this animation are material. This animateriality—impassioned response to passionate utterance—is painfully and hiddenly disclosed always and everywhere in the tracks of black performance and black discourse on black performance. It is both for and before Marx in ways delineated by Cedric Robinson’s historical analysis of “the making of the black radical tradition.” This book is meant to contribute both to the aesthetic genealogy of that line and to the invagination of the onto-logical totality whose preservation, according to Robinson, inspires a tradition whose birth is characterized by an ancient pre-maturity.17

Anslytics:

The way in which we undwerstad academic commodification ignores how bodies have already been comodofied, the academic one is subseqeucnt, after the bodies already comodfied

Think something unique about what u saying? Especially in the context of black boys and men?

HUMANZING IS THE ONLY WAY TO PERCEIVE INJUSTICE

Jurors had no idea they would get a life sentence, I had no idea I would lose the round because I know the individual in action would be a juror

You m ight actusally be a juror, not a policy makers- the buter aff is less topical, only defending part of the resolution

**Narratives do not infringe on traditional methods of conveying information. In fact, they should go hand in hand.**

Kelly **McDonald &** Jeffrey W. **Jarman:** (from the article “GETTING THE STORY RIGHT: THE ROLE OF NARRATIVE IN” ACADEMIC DEBATEKelly McDonald is the Director of Forensics at Western Washington University and is co-authoring a book on Debate Watch '96. Jeffrey Jarman teaches at the Elliott School of Commu- nication at Wichita State University. This paper was presented at the 1995 SCA Convention. <https://debate.uvm.edu/NFL/rostrumlib/cxmcdonald0198.pdf>)

**The warranting function or power of narratives for academic debate underscores the epistemological basis for narratives as a form of argument.** Narratives also have axiological qualities as evidence for claims. That is, **narratives can help debaters focus on unique issues, particularly as they af- fect marginalized groups within our culture and give voice to their concerns. Narra- tives have an ontological existence in de- bate rounds for much the same reason. The rhetorical force of narratives is the experi- ence of the individual related through the story. Calling upon the narrative evokes the experience of the individual as proof.** However, despite our interest in including narratives within the canon of debate “evi- dence” or “proof,” we disagree with any- one who would claim that because they pre- sented a narrative they ought to win the debate per se. It is incumbent on debaters to use the narrative evidence only for what it proves. Meta-debates over the tyranny of language or discursive thought/argument may or may not be appropriate in a given setting. **Using narrative effectively within the context of academic debate does not mean the community must discard all previous pedagogy, research and practices.** Rather, we envision something of a Burkean “both/ and.” The value of **narrative in the debate context does not necessarily have to be an all or nothing proposition.** **Every team or the entire community does not have to trans- form their argument behavior** to recognize the benefits which Fisher, Hollihan, Riley, Baaske and Bartanen affirm. We would clearly oppose any efforts to divorce narra- tives from reason. As with any mode of delivery (explicitly narrative or not) we be- lieve debaters should draw reasons (inclu- sive of stories, narratives, etc.) from the rel- evant topic area which judge past, present or future actions. Evaluation cannot be dis- sociated from debate. One evaluates the probability and fidelity of a particular narra- tive through much the same process as evaluating the salience of disadvantages (or any other policy structured argument) in the current paradigm. **As educators, our role should be to supplement the “traditional” theory and practice with instruction in the application of nar**

### AT ITS UNFAIR FOR US

Unfair for you? Enhancement, we say black you say I object- hertzig you should nullify the law RIGHT NOW—and their theory interp is A LAW—we are tired of perceiving injustice in the debate space, we are tired of trying to show an injustice and then

You know what sometimes theory is good- but we are tired, you should nullify his theory law, HE DOESN’T GET IT—WE INTRODUCED A REAL LIFE SITUATION, WE WENT TO THE CORE OF TOPIC, SHOWED AN INJUSTICE, AND ARE ASKING YOU TO PERCIEVE IT, and we hear theory, we hear a interpretation- that’s not the point, that’s not what the ballot means

Weight the IMPACTS of the aff to his voter- you vote aff and sign the petition, you have a chnce of getting sharanda out of jail—you vote on theory and you have voted for “a better norm for debate” when are we gonna start recognizing debate’s norms are WHITE, debates norms, are rooted witin social injustice- debate norms are white—and really you gon vote for a white rich privelegd man saying what debate should be about, saying we shouldn’t be able to talk about these narratives- that’s not the point

## Extensions

People’s perspective on what is unjust means more than the law

## 1AR

### TOP

The final number — 46 — dictated the sentence, leaving the judge no discretion. “Under the guidelines, that sets a life sentence, mandatory life sentence,” Solis said at a hearing in November 1999. **“So, Ms. Jones, it will be the judgment of the court that you be sentenced to the custody of the U.S. Bureau of Prisons for a term of life imprisonment.”** Solis declined to be interviewed. Said McMurrey: “In light of the law and the guidelines and what the court heard during the trial, I know Judge Solis followed the law. He’s a very fair man.” Ronald Weich, who was a special counsel to the U.S. Sentencing Commission during the late 1980s, said that **mandatory minimum sentences and their enhancements were all about math, not about people. “These laws forced judges to look at their calculators instead of into the eyes of the defendants they were sentencing,”** said Weich, now the dean of the University of Baltimore School of Law. **“They weren’t allowed to ask, ‘How did they get to this point in their lives?’ and ‘Who were they going to be in five or 20 years?’**

## Notes

Im not saying vote for me cause I read this, im saying I read this because it makes it easier for me to vote for it. When jurors nullify decisions, they do it one case at a time.

Offense in 1ar- system is really bad, we need to nullify, laws are bad, choose not to acknowledge those laws so we liberate

100,000 black people going to jail…why do we keep sending them to jail when they don’t belong there

jury null is that case- the whole point of acting is u have to say fuck the system

if jurors had done this 15 years ago- she would have been done, THEY SHOULD HAVE PERCIEVED THE INJSUTICE, what say about racism is real

I am the juror, he is the prosecutor

AT Judge intervention

Your still adjuscating the debate any way you would do it other ways, the same way jurors make a desciona nd deliberate is the same way judges deliberate

Our object fiat says we cannot fiat other people, we can persuade you, YOU are our solvency, when u explain why case is unjust, you voting aff is solvency for us

AT judge-

In debate, what happens when we are told we are criminal? Whenw e are told you will save race debate? When judges give racst decision- black folk quit, black folk don’t want to deal with this anymore

What is the impact of the aff- the impact of the aff is we are tired of dealing with all this micro agresison stuff, we have perceived it long enough, now pericev this

AT

At theory-

We have perceived these injsutices all the type, judge intervene and nullify it –

AT white null-

We don’t fiat anything, we convince judge u should nullify

Be centered in debate, WHY HAVE U GOTTEN AWAY FORM ONLY TWO PEOPLE IN THIS MANNER

AT – not injusticES

Just injustice- that’s why we are heart of the topic, we just need to prove jury nullification has a place in this world

Prove why jury null shouldn’t be used

A just prove we should not have nullified, say nullifying doesn’t do anything,

Just approach the debate like u were debating the topic but apply it do this specific room

AT theory-

“trying to fiat, reinforces our divorcement from our conversations, you talk about court clog, we have said we have seen something as an injustice, I have eprcieved and I am going to tell you that- the res doesn’t specifiy who is eprceving the injustice, I ep4cived it, I said you shoud nullify

THIS IS WHAT JURY NULLFICIATION LOOKS LIKE

At topical verison aff-

a. butler aff not inherent,

this aff is more topical than butler

turn we

YOUR THEORY IS LIKE “I OBJECT”—THAT’S EXACTLY HW YOU SEND INNOCENT PEOPLE TO JAIL

Judges hands were tied, literlaly couldn’t do anything

You are performative thing- when u run theory exact same thing that sent her to life, that’s how black folk quit, varad hunted down at toc last year, see balkc people stressing out everhwyehr, we have to be fugitive against ya damn theory law

At wilderson da court-

“WHY DO YOU EXPECT ME TO SAVE CIVIL SOCITY, COURT CLOG, EVEYRHTING THAT MADE US DO THAT?”

Antiblakcness is a structural logic- if we do x y z we solve, but when those don’t work, we blame oursleve,s that is how balck people in debate hating themselves

Sharanda jones got fucked because they were no jury nullification, JUDGES HANDS WERE TIED, only thing he could o give life deaths entence

That’s the beauty of narratives

Putting the judge on the spot- this IS THE POINT OF JURY NULLIFICAITON, YOUR ON THE JURY, SHOULD YOU SAY I NULLIFY OR NAW

Your missing the point- people are faced with a condrum, I know she was dealing, but what do I do,

Theme of case- SAY OR NAW TO THE RULES

Jury nullification is like fuck it- ight he guilty, but this goes beyond the law, this goes beyond your therotical norms behind the law- fuck it

THAT’S YOUR BULL SHIT THEORY- THEY TRY TO KICK BLAKC JURORS OFF CAUSE THEY KNEW THEY WOULD FEEL THE CASE,

AT Judge has empathy

The final number — 46 — dictated the sentence, leaving the judge no discretion. “Under the guidelines, that sets a life sentence, mandatory life sentence,” Solis said at a hearing in November 1999. **“So, Ms. Jones, it will be the judgment of the court that you be sentenced to the custody of the U.S. Bureau of Prisons for a term of life imprisonment.”** Solis declined to be interviewed. Said McMurrey: “In light of the law and the guidelines and what the court heard during the trial, I know Judge Solis followed the law. He’s a very fair man.” **Ronald Weich, who was a special counsel to the U.S. Sentencing Commission during the late 1980s, said that mandatory minimum sentences and their enhancements were all about math, not about people. “These laws forced judges to look at their calculators instead of into the eyes of the defendants they were sentencing,”** said Weich, now the dean of the University of Baltimore School of Law. **“They weren’t allowed to ask, ‘How did they get to this point in their lives?’ and ‘Who were they going to be in five or 20 years?’**

### 1AR

### Racist

Impact Turn- we’re not saying jury nullification is a good thing, we are saying jury nullification exposes the blatant racism and actually allows for revolutions and for us to understand why things are so bad

Its good on the level of stopping black people from going to prison but it’s also good because it makes black people understand they can never trust white people

The 1AR Impact Turn to Racist Jury Nullification

1.     Non-uniuqe. Start with the defense to prepare the judge to hear the offense.

2.     Racist jury nullification is only a symptom of larger racial hatred. People need to understand how deep that hatred runs. When people understand how blatantly racist the court systems are, social movements happen. Emit Till is the most famous case of racist jury nullification and it fired the American Civil Rights movement. The racist jury nullification that occurred in the cases of Trayvon and Eric Garner brought a greater understanding that Black Lives Matter. An important social movement was born. The racist jury nullification in Rodney King spurred the Los Angeles riots and the truce between Crips and Bloods. In all cases it forced the community to acknowledge and push back against the structural violence that is ever present. Even the worst cases of jury nullification make important social movement possible. What the neg presents as a disad is really a net benefit of unmasking and sparking resistance to ever-present structural racism. This is an independent reason to affirm.

This means

[http://www.**biography.com/**people/emmett-till-507515#emmett-till-murder](http://www.biography.com/people/emmett-till-507515#emmett-till-murder) writes

**Coming only one year after the Supreme Court's landmark decision in *Brown v. Board of Education* mandated the end of racial segregation in public schools, Emmett Till's death provided an important catalyst for the American Civil Rights Movement**. One hundred days after Till's murder, Rosa Parks refused to give up her seat on an Alabama city bus, sparking the yearlong Montgomery Bus Boycott. Nine years later, Congress passed the Civil Rights Act of 1964, outlawing many forms of racial discrimination and segregation. In 1965, the Voting Rights Act, outlawing discriminatory voting practices, was passed. [Emmett Till's murder was] one of the most brutal and inhuman crimes of the 20th century. — [Martin Luther King Jr.](http://www.biography.com/people/martin-luther-king-jr-9365086)

**Though she never stopped feeling the pain of her son's death, Mamie Till (who died of heart failure in 2003) also recognized that what happened to her son helped open Americans' eyes to the racial hatred plaguing the country, and in doing so helped spark a massive protest movement for racial equality and justice.** "People really didn't know that things this horrible could take place," Mamie Till said in an interview with Devery S. Anderson in December 1996. "And the fact that it happened to a child, that make all the difference in the world."

### Decadence

No link- decadence says win for speech, we don’t say that

No link- we have sociology in our aff, lots of facts, narratives just put a human face to it